

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

LEHMAN BROTHERS HOLDINGS INC.,

Debtor.

Chapter 11
Case No. 08-13555 (JMP)

MAXIMILIAN CORETH,

Plaintiff,

v.

BARCLAYS CAPITAL INC.,

Defendant.

Adv. Proc. No. 09-01045 (JMP)

ORDER GRANTING MOTION TO DISMISS ADVERSARY COMPLAINT

Upon the motion of defendant Barclays Capital Inc. (“Barclays”), dated March 19, 2009, [Docket No. 5] (the “Motion”), for an order dismissing the complaint filed by plaintiff Maximilian Coreth (“Plaintiff”), dated February 12, 2009 [Docket No. 1] (the “Complaint”), in the above-captioned adversary proceeding; and all of the briefs, declarations and other papers filed in connection therewith; and the arguments of counsel at the hearing of the Motion held on May 13, 2009; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that, for the reasons set forth in the Court’s February 22, 2011 Memorandum Decision Granting Motions to Dismiss [Docket No. 25] (the “Memorandum Decision”), Plaintiff has failed to state a claim against Barclays upon which relief may be granted; and it is further

ORDERED that the Motion is therefore granted as set forth in the Memorandum Decision; and it is further

ORDERED that the Complaint is dismissed in its entirety with prejudice and without leave to replead.

Dated: New York, New York
March 8, 2011

s/ James M. Peck
Honorable James M. Peck
United States Bankruptcy Judge